REMARKS

Claims 1 to 3 and 5 to 14 are pending in the application, of which claims 1 and 9 are independent.[1] Favorable reconsideration and further examination are respectfully requested.

In the Office Action all of the claims were rejected over U.S. Patent No. 5,940,390 (Berl) in view of U.S. Patent No. 6,992,978 (Humblet). We respectfully traverse this rejection.

The applied art is not understood to disclose or to suggest the features of claim 1. In particular, the art is not understood to disclose or to suggest, in combination, at least directing high priority data packets from the first queue to a first transmission line, directing low priority data packets from the second queue to a second transmission line *that is redundant to the first transmission line*, and re-directing the high priority data packets from the first queue to a second, redundant transmission line if there is a problem on a first transmission line.

In this regard, page 3 of the Office Action equates item 732 of Fig. 7 of Berl (below) to a first transmission line (for high priority data packets) and item 738 of Fig. 7 to a second transmission line (for low priority data packets).

[1] The Examiner is urged to independently confirm this recitation of pending claims.

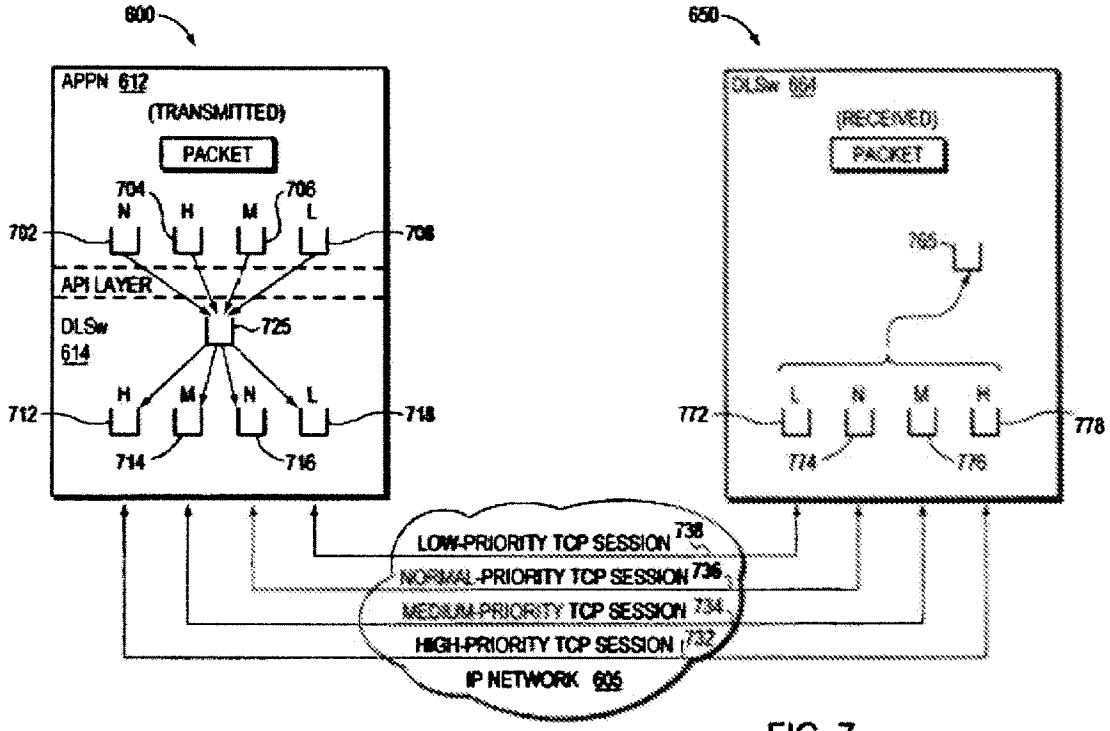

FIG. 7

However, items 732 to 738 correspond to TCP/IP sessions that are implemented on IP network 605, and not to separate, redundant transmission lines, as required by claim 1. The same is true for the LU-LU sessions shown in Fig. 6. Applicant acknowledges, as they must, that IP network 605 may include multiple transmission lines. However, as previously explained, there is no indication in Berl that two, redundant transmission lines are used to transmit high and low priority data packets, respectively, and that the high priority data packets are re-directed to the transmission line that transmits the low priority data packets.

Furthermore, pages 3 and 4 of the Office Action admit that Berl does not disclose switching high priority data packets from a first transmission line to a second transmission line if there is a failure on the first transmission line. Humblet was cited to make up for this admitted

deficiency of Berl. Referring to its Fig. 3 below, Humblet shows re-routing a communication path (protection path PP_2) through link 24 in the event of a failure in link 34.

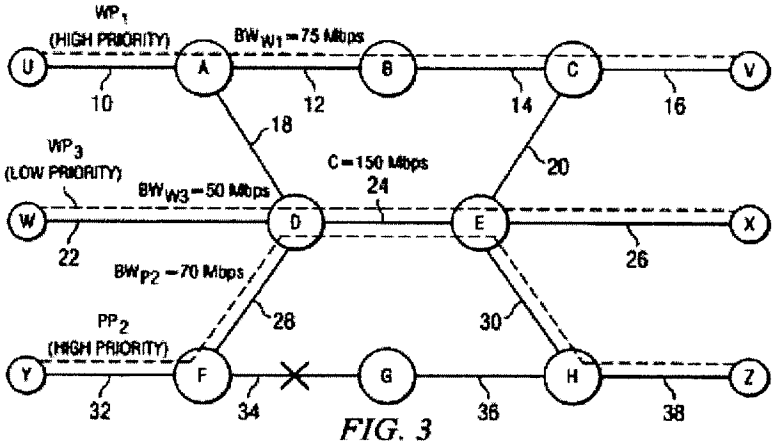

FIG. 3

Re-routing, however, is not what is being claimed. Instead, claim 1 is directed to re-directing high priority data packets to a second, transmission line if there is a problem on a first transmission line in a case where the second transmission line is redundant to the first transmission line. In Humblet, the communication paths are not redundant. That is, the top path goes from U to V, the middle path goes from W to X, and the bottom path goes from Y to Z. The fact that parts of those paths can be used to re-route packets in the event of failure on one path does not make the two communication paths redundant. In the context of "a device, circuit, computer system, etc." the term redundant includes "having excess or duplicate parts that can continue to perform in the event of malfunction of some of the parts".[2] The communication paths of Humblet are not redundant at least because they are not excess or duplicate paths.

[2] redundant. (n.d.). Dictionary.com Unabridged (v 1.1). Retrieved April 17, 2008, from Dictionary.com website: http://dictionary.reference.com/browse/redundant

As explained in the background of this application[3], heretofore, a redundant transmission (e.g., junction) line carried little or no traffic, leaving it open to accommodate data traffic from a primary transmission line in the event of a failure on the primary transmission line. The claims of this application are directed to making more practical use of such redundant transmission lines. Neither Humblet nor Berl, taken alone or in combination, discloses or suggests redundant communication lines, much less making use of them in the manner claimed, namely: directing high priority data packets from the first queue to a first transmission line, directing low priority data packets from the second queue to a second transmission line that is redundant to the first transmission line, and re-directing the high priority data packets from the first queue to a second, redundant transmission line if there is a problem on a first transmission line.

For at least the foregoing reasons, claim 1 is believed to be patentable over the art. Claim 9, which recites features along the lines of claim 1, is also believed to be patentable over the art.

Each of the dependent claims is also believed to define patentable features of the invention. Each dependent claim partakes of the novelty of its corresponding independent claim and, as such, has not been discussed specifically herein.

It is believed that all of the pending claims have been addressed. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this

[3] Page 1 of the substitute specification

paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

In view of the foregoing amendments and remarks, Applicant respectfully submits that the application is in condition for allowance, and such action is respectfully requested at the Examiner's earliest convenience.

Applicant's undersigned attorney can be reached at the address shown below. All telephone calls should be directed to the undersigned at 617-521-7896.

CORRECTION TO ATTORNEY DOCKET NUMBER

We note that the Office Action listed our docket number for this case as 12758-046US1. Please note that the correct docket number is 12758-048US1. Please make the appropriate correction.

CONCLUSION

No additional fees are believed to be due for this response. However, if any additional fees are due including, but not limited to, claims fees and extension fees, please charge them to deposit account 06-1050, referencing Attorney Docket No. 12758-048US1.

Respectfully submitted,

Date: April 17, 2008

Paul A. Pysher
Reg. No. 40,780

Fish & Richardson P.C.
225 Franklin Street
Boston, MA 02110-2804
Telephone: (617) 542-5070
Facsimile: (617) 542-8906